



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
DEPARTMENT OF CORRECTIONS

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Part	Section	Subject	Policy No.	Review Date
Institutional Operations	Inmate Rights	Inmate/Detainee Grievance	3.5.2	
ACA Standard	3-ALDF-3E-11 Grievance Procedure			
Consent Decree	Paragraph 54 Develop Facility Policies and Procedure			

I. PURPOSE

To establish inmate/detainee grievance procedures that will be available to inmates/detainees confined in the facility.

II. POLICY

It is the policy of the Department of Corrections (DOC) to provide inmates/detainees confined in the facility an internal grievance mechanism for the resolution of complaints arising from institutional matters, to reduce the need for litigation and afford staff the opportunity to improve facility operations.

III. PROCEDURES

A. General Information

1. The inmates/detainee grievance procedure is an administrative means for the expression and resolution of inmate/detainee problems.
2. The Booking/Release Officer will provide orientation on the Inmate/Detainee Grievance procedures to all inmates/detainees to be incarcerated for more than twenty-four (24) hours.
3. Inmates/detainees are encouraged to informally resolve grievances between themselves and staff when possible. If it is not possible, they may submit to a corrections officer a grievance using a form provided for this purpose. Inmates/detainees are encouraged to promptly submit any grievance shortly after an incident. The housing unit officer will determine if the grievance can be address by the housing unit officer or forwarded to the Shift Commander. The Shift Commander will address the grievance if possible, if not, it should be forwarded to the Captain of Operations.

4. If the grievance concerns medical it should be hand delivered to the Practical Nurse when the nurse arrive at the housing unit. Submission of the Inmate/Detainee Grievance that concerns medical matter may not be guaranteed that the matter will remain confidential if the grievance was not delivered directly to the medical staff. If the grievance concerns operational issues, it should be forwarded through the chain of command.
5. Standard grievance may not be accepted if it contains profanity, obscene, derogatory or offensive language.

B. Filing of Grievance

1. An inmate/detainee may file a grievance at any time to bring a problem to the attention of staff or to appeal a specific action such as a disciplinary sanction using the Inmate/Detainee Grievance form (see form attach).
2. An inmate/detainee may file only for himself/herself; he/she may assist another inmate/detainee in completing the Grievance form.
3. Only one grievance may be filed on a single incident.
4. An inmate/detainee may withdraw a filed grievance at any time.
5. No staff may retaliate against an inmate/detainee for filing or withdrawing a grievance.
6. All grievances will be forwarded to the appropriate level of command or section for further investigation and resolution.

C. Bases of Grievance

A grievance may be initiated for any one of the following reasons:

1. An alleged violation of civil, constitutional, or statutory rights or departmental policy.
2. An alleged criminal or prohibited act by a staff member.
3. To resolve a condition existing within the facility that creates unsafe or unsanitary living conditions.
4. To appeal a decision of a disciplinary action taken against the inmate/detainee, such as restoration of personal telephone calls, modification of restricted visitation, or other privileges.

D. Grievance Classification

A grievance will be classified as either informal, standard, or emergency.

1. Informal Grievance

- a. An informal grievance is one that may be resolved by staff at any level without resorting to the standard procedure.
- b. An inmate/detainee may voice a grievance to any staff. When presented with an informal grievance, the staff member may initiate corrective action if the action is within the normal scope of the employee's responsibility, however, if an inmate/detainee voices a grievance to the staff that is beyond the scope of the employee's authority and that it appears to require prompt attention, the employee will notify the Shift Commander of the grievance as soon as practical. The Shift Commander may, at his/her discretion, attempt to resolve the matter or have the inmate/detainee initiate a standard grievance. The Inmate/Detainee Grievance form will be forwarded to the Captain of Operations for investigation and resolution.
- c. Informal grievance will be documented in the housing unit logbook.

2. Standard Grievance Procedure

- a. A standard grievance is where there is no threat to the immediate welfare or safety of an inmate/detainee.
- b. An inmate/detainee may file a standard grievance any time a grievable event has occurred.
- c. The inmate/detainee will be provided with a pen or pencil to fill-in the form. The housing unit officer will assist the inmate/detainee in completing the form.
- d. Once the inmate/detainee has completed the grievance form, a copy of the form will be provided to the inmate/detainee and the original will be forwarded to the Shift Commander. The Shift Commander will take appropriate action and if necessary forward the grievance to the Captain of Operations.

3. Emergency Grievance

- a. An emergency grievance is one that involves an immediate threat to the welfare or safety of an inmate/detainee and is subject to expedited processing. Emergency grievances will begin with the initial determination by the receiving staff that the issued raised is life threatening. Emergency grievances will be given directly to the Shift Commander to determine whether the grievance is an emergency, requiring immediate attention. If resolved at the shift level, a report will be prepared by the Shift Commander and submitted to

the Captain of Operations and the Director. The report should describe the nature of the problem and the resolution achieved. Emergency grievances that cannot be resolved at the shift level will be channeled without delay through the chain of command until a level is reached where actions can be taken. If upon consideration the Shift Commander determines that the matter is not in fact an emergency issue, then standard processing will apply.

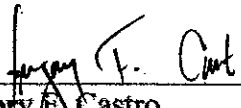
E. Investigation of Grievance

1. All standard and emergency grievances will be investigated promptly and a written response provided to the inmate/detainee within seventy-two (72) hours from the date and time the grievance was received exclusive of weekends and holidays. The response will include the reasons for the action and/or decision.
2. All standard and emergency grievances will be reported to the Captain of Operations for review and to ensure that grievances are addressed and resolved. The Captain of Operations may initiate further investigation if necessary to resolve the grievance.
3. All standard and emergency grievances will be in writing and a complete report of the resolution of the grievance be submitted to the Director and the Commissioner.
4. A copy of the grievance report will be filed in the inmate/detainee commitment file.

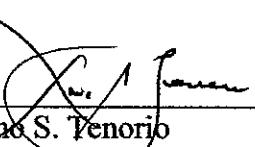
F. Grievance Board

In the event a grievance cannot be resolved to the inmate's/detainee's satisfaction, the aggrieved inmate/detainee may appeal to the Commissioner using the Inmate/Detainee Grievance form. The Commissioner will review the grievance report and determine appropriate action to be taken. The Commissioner may convene a three (3) member board to resolve the matter. The Board will consist but not limited to the Director or his/her designee, corrections officer of any rank not involved in the matter, and an inmate not involved in the matter. The inmate/detainee may appear before the Board to present his/her case. The Board will review all facts discovered in the investigation and any additional information presented by the inmate/detainee and render a decision within ten (10) days after the completion of the Board's hearing. In the event the inmate/detainee is still not satisfied with the Board's decision, he/she may resort to the courts. The Board will ensure that the safety and security of witnesses will be address during the hearing, including when writing the report of the Board's decision.

Confidential information will be released only to persons authorized by the Commissioner or his designee.

Reviewed By: 
Gregory F. Castro
Director of Corrections

12/3/07
Date

Approved By: 
Lino S. Tenorio
Commissioner of Corrections

12/06/07
Date

Inmate/Detainee Grievance

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Received By: _____ Date: _____
Operations Captain